

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RUDY NIDO,

Plaintiff,

v.

U.S. BANK,

Defendant.

No. C-11-00005-DMR

**ORDER VACATING HEARING ON
DEFENDANT'S MOTION TO DISMISS
PENDING CONSENT TO
JURISDICTION OF MAGISTRATE
JUDGE**

On January 10, 2011, Defendant U.S. Bank National Association filed a Motion to Dismiss for Failure to State a Claim ("Motion to Dismiss"), pursuant to Federal Rule of Civil Procedure 12. *See* Docket No. 5. Defendant noticed a hearing on the Motion to Dismiss for February 24, 2011.

Pursuant to 28 U.S.C. § 636, a signed consent to the jurisdiction of the Magistrate Judge must be filed by each party before consideration of any dispositive motion. All parties in the above-captioned case have not filed a signed consent to proceed before a Magistrate Judge. Accordingly, the hearing on Defendant's Motion to Dismiss set for February 24, 2011 is hereby VACATED.

Upon the filing of signed consents by all parties to the action, the Court will issue an order resetting the hearing. If a declination is filed, the case will be immediately reassigned to an Article III District Judge.

IT IS SO ORDERED.

Dated: January 13, 2011



DONNA M. RYU
United States Magistrate Judge